

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services- Irrigation & CAD Department –Sri A.Venkateswara Rao, AE (Retd) – O.A. No. 1489 of 2006 filed before the Hon'ble APAT to pay pension and terminal benefits – Orders of Hon'ble APAT dt. 14.09.2007 – Implementation of orders of the Hon'ble APAT- Impose a penalty of 5% cut in pension for five years on Sri A.Venkateswara Rao, AE (Retd.), beside recovery of an amount of Rs. 6,28,146/- (Rs. 22,680/- + Rs. 6,05,466/-) for the loss caused to the Government – Orders Issued.

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IRRIGATION & CAD (SER.X.2) DEPARTMENT

G.O.Ms.No. 55

Dt: 27 .04.2011
Read the following

- 1) From the Deputy Secy. ,APPSC, Lr.No. 383/RT/1/94, dt. 12-12-1994.
- 2) G.O.Rt.No. 19, I & CAD(CAD.Ser.II) Dept., dt. 10.1.1995.
- 3) Proc. No. S1/EC-1 /485M, dt. 6.5.2002 of SE, IC,Vijayawada.
- 4) Orders of the Hon'ble APAT in OA No.1489 of 2006 Dt.. 14.09.2007.
- 5) Orders of the High Court in WP No. 18862/2008 ,dt. 1.9.2008
- 6) Govt.Memo.No.7985/Ser.X.2/2006-7, dt:17.03.2009
- 7) SCN No. Rc/ENC/S1(4)/58574/1989, dt. 24.09.2010 of ENC(AW), Hyderabad.
- 8) Reprn. of Sri A.Venkateswara Rao, AE(RETd) dt. 16.11.2010.
- 9) From the ENC(AW) Lr.No.Rc/ENC/S1(4)/58574/1989, Dt.06.01.2011.
- 10) Govt.Memo.No.7985/Ser.X.2/2006-14, dt: 9.02.2011.
- 11) Reprn.of Sri A.Venkateswara Rao, AE(Retd), dt.14.02.2011.
- 12) Govt. Lr. No. 7985/Ser.X.2/2006- 15, Dt:09.02.2011
- 13) From the Principal Secretary ,APPSC, Lr.No. 346/RT-1/2/2011,dt. 11.04.2011.

ORDER:

In the reference 2nd read above, the Govt. have issued orders imposing a punishment of stoppage of four increments with cumulative effect against Sri A. Venkateswara Rao, Assistant Engineer, besides recovery of Rs. 41,887,25/- for the loss of Govt. material in NSP Organization, and the same was communicated to the accused officer, through Engineer-In-Chief (Admn.Wing) Hyderabad on 6.5.2005.

In the reference 3rd read above, in another disciplinary case the Superintending Engineer, IC, Vijayawada has issued proceedings for recovery of an amount of Rs. 6,02,866/- from Sri A. Venakteswara Rao, Assistant Engineer for non-handing over of the charge of 7F materials steel, cement and RCC pipes at Ustepalli section of spl. Division.

Aggrieved by the above orders, Sri A.Venkateswara Rao, A.E(Retd) has filed O.A.No. 1489/2006 in the Hon'ble APAT. The Hon'ble APAT admitted the O.A. and pronounced the judgment on 14.09.2007 with a direction to the respondents " to afford reasonable opportunity before affecting any deduction of Government dues from the applicants pensionary benefits"

Aggrieved by the above orders, Government have decided to file an appeal in the High Court of Andhra Pradesh , against the orders of the Hon'ble APAT, and directed the Engineer-In-Chief (Admn.Wing) Hyderabad to file WP in the Hon'ble High Court. Accordingly, the ENC(AW) has filed WP No. 18862/2008 in the Hon'ble High Court of A.P. The Hon'ble High Court of A.P. while dismissing the WP, have directed the respondents to give reasonable opportunity to the accused officer as per the orders of the Hon'ble APAT before effecting any deduction of Govt. dues from the accused officer's pensionary benefits.

In pursuance of the orders of the Hon'ble High Court, Government have directed the ENC(AW) to issue SCN to Sri A.Venkateswara Rao, AE (Retd) indicating the exact amount of loss to the Government to be recovered from him, while giving reasonable opportunity, and obtain his representation if any and send the same to the Government for taking further action. Accordingly, the ENC(AW) has issued SCN to Sri A.Venakteswara Rao, AE(Retd) in the reference 7th read above, and obtained his representation.

Sri A.Venkateswara Rao, AE(Retd) in his representation, has accepted for recoveries if any dues to the Government, towards shortage of departmental material if the higher authorities found genuine and requested to release his pensionary benefits duly recovering the departmental recoveries.

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In the reference 9th read above, the ENC(AW) Hyderabad, while forwarding the representation of the Sri A. Venkateswara Rao, AE(Retd) has stated that, there is a total outstanding amount of Rs. 22,868/- is pending against retired AE with respect to the first case (i.e. recovery of amount of shortage of material at sub-division No.1, Visannapeta, NSC Circle, Nuzvidu), and in addition, to recovery of Rs. 6,05,466/- towards shortage of 7F material – steel, cement, and RCC pipes at Ustepalli section of Spl. division in respect of second case. Therefore he has requested to finalize the disciplinary case pending against the accused officer and issue orders.

After careful examination of the matter, Government have provisionally decided to impose a penalty of 5% cut in pension for five years on Sri A. Venkateswara Rao, AE (Retd.) beside recovery of an amount of Rs. 6,28,146/- (Rs. 22,680/- + Rs. 6,05,466/-) for the loss caused to the Government in the above said two cases, and issued Show cause notice to the retired officer, with a direction to show cause as to why the proposed penalty should not be imposed against him, under rule 9 of A.P. Revised Pension Rules, 1980, beside recovery, for the loss caused to the Government in the above said two cases.

In the reference 11th read above, Sri A. Venkateswara Rao, AE(Retd) in his representation has accepted the proposed recovery of an amount of Rs. 6,28,146/- (Rs. 22,680/- + Rs. 6,05,466/-) from his pensionary benefits towards recovery of shortage of materials, if the authorities found the same as genuine. In respect of 5% cut in pension for five years, he has stated that he was already been punished by way of delay in payment of pensionary benefits from the last nine years. Therefore, he has requested to exonerate him from imposing further punishment and release pensionary benefits.

Govt. after careful examination of the representation of the charged officer, have confirmed the proposed penalty of 5% cut in pension for five years to be imposed on Sri A. Venkateswara Rao, AE (Retd.), besides recovery of an amount of Rs. 6,28,146/- (Rs. 22,680/- + Rs. 6,05,466/-) for the loss caused to the Government in the above said two cases. Accordingly, hereby order to impose a penalty of 5% cut in pension for five years on Sri A. Venkateswara Rao, AE (Retd.), besides recovery of an amount of Rs. 6,28,146/- (Rs. 22,680/- + Rs. 6,05,466/-) for the loss caused to the Government in the said two cases. A copy of the letter 13th read above is enclosed, wherein the A.P. Public Service Commission has agreed the proposed punishment of the Govt.

The Engineer –In- Chief (AW), I&CAD Department, Hyderabad shall take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Engineer –in- Chief(AW), I&CAD Deptt., Hyderabad.

Sri A. Venkateswara Rao, AE (Retd.) through

The Engineer –in- Chief(AW), I&CAD Deptt., Hyderabad.

Copy to :

The Secretary, A.P. Public Service Commission, Hyderabad
SF/SC

//FORWARDED: : BY ORDER//

SECTION OFFICER